

On October 25, 1943, the case having come for final disposition and the parties having stipulated that the facts incorporated by the court in findings of fact Nos. 1 to 5, inclusive, and Nos. 7 and 8 were the facts in the case, the court ordered that the defendants be enjoined from introducing into interstate commerce the 69 boxes of dried eggs which had been found to be sour, and that the defendants be further enjoined from introducing into interstate commerce any sour dried eggs.

FISH AND SHELLFISH

17537. Action to enjoin and restrain the interstate shipment of adulterated fish and fish products and vegetables. U. S. v. J. Lowery Harrison and Else S. Harrison (Kent Packing Co.). Decree for temporary injunction entered by consent. (Inj. No. 144.)

COMPLAINT FILED: July 1, 1946, District of Maryland, against J. Lowery Harrison and Else S. Harrison, copartners, trading as the Kent Packing Co., Rock Hall, Md.

NATURE OF CHARGE: That the defendants from on or about May 16 and 17, 1946, to the date of filing the complaint had been brining, processing, and canning fish and fish products and vegetables under insanitary conditions, the result of the presence of flies, maggots, and rodents, and improper facilities and supervision; that the food products so processed by the defendants were adulterated within the meaning of Section 402 (a) (4) of the Federal Food, Drug, and Cosmetic Act; that the adulterated foods being so prepared and packed by the defendants were being shipped in interstate commerce from Rock Hall, Md., to other states; that various investigations and examinations made by representatives of the Food and Drug Administration had showed the existence of the insanitary conditions; and that the defendants had been warned to remedy the defects existing in their method of manufacture, but had failed to do so.

The complaint alleged further, on information and belief, that the defendants would continue to cause the introduction and delivery for introduction into interstate commerce of adulterated foods unless enjoined from so doing, and prayed the entry of a temporary restraining order, and that after due proceedings, the court enter an order enjoining the defendants from the acts complained of.

DISPOSITION: On July 1, 1946, the court entered an order that the defendants show cause why a temporary restraining order should not be entered as prayed by the complaint. On July 11, 1946, the defendants having consented, a temporary injunctive decree was entered enjoining the defendants, their agents, servants, and employees, and any and all other individuals or corporations in active concert or participation with them, from introducing, or delivering for introduction into interstate commerce, foods, and specifically, canned seafoods, adulterated within the meaning of the Act.

17538. Action to enjoin and restrain the interstate shipment of adulterated and misbranded oysters. U. S. v. Thomas B. Leonard and Elsie C. Leonard (I. L. Leonard & Co.). Preliminary injunction granted. (Inj. No. 208.)

COMPLAINT FILED: February 16, 1949, District of Maryland, against Thomas B. Leonard and Elsie C. Leonard, trading as I. L. Leonard & Co., Cambridge, Md.

NATURE OF CHARGE: That the defendants had been and were at the time shipping in interstate commerce fresh oysters at Cambridge, Md., which were adulterated under Section 402 (b) (2), in that excess water had been substituted in part